



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	<u>13 VAC 5-51</u>
<b>Regulation title</b>	Virginia Statewide Fire Prevention Code
<b>Action title</b>	Amend and Update Virginia Statewide Fire Prevention Code
<b>Final agency action date</b>	January 24, 2011
<b>Document preparation date</b>	January 25, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Virginia Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of fire-safety features in existing buildings and structures and fire-safety related operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC"). Every three years, a new edition of the model code become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code into the regulation through the publishing of a proposed regulation. Those affected by the regulation then review the proposed regulation to assure that the newest model code and its referenced standards reflect the minimum standards necessary for the fire safety of existing buildings and property. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model code or standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional

comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

Final regulations for the SFPC were published in Volume 27, Issue 2 of the Virginia Register on September 27, 2010, initiating a 30-day comment period. During the comment period, a number of petitions were received concerning substantive changes between the proposed and final regulations. An additional 30-day comment period was then established for the submittal of additional public comments on the petitioned provisions.

On January 24, 2011, the Board of Housing and Community Development considered the public comment on the petitioned provisions and readopted final regulations with the following changes from the final regulations:

13 VAC 5-51-131 E and F. Sections 315.1 and 315.2 of the International Fire Code were amended to return to the language published in the proposed regulation which permits combustible storage to be in accordance with the provisions in the 2009 edition of the International Fire Code.

13 VAC 5-51-133.5 D. Section 609.3.3.2 of the International Fire Code was amended to return to the language published in the proposed regulation which permits the inspection and cleaning of commercial kitchen exhaust hoods to be in accordance with the provisions of the 2009 edition of the International Fire Code.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On January 24, 2011, the Board of Housing and Community Development approved readopted final regulations for the Virginia Statewide Fire Prevention Code.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The final regulations do not have an impact on the institution of the family and family stability.